

PROPOSED TOPICS FOR DRAFT 2016 LISTING GUIDANCE (TOPIC 1 – IR Category 4C):

I. Issue (Topic)

Need additional information on ways to determine Category 4C -- impairment due to pollution -- especially due to flow modification.

II. Issue Statement (if existing guidance, the issue statement should touch on why the existing guidance is not clear/sufficient).

With increasing needs/uses for surface water, combined with recent and predicted reductions in naturally-available surface water, states need guidance on 1) tools/techniques/strategies to determine post CWA reductions in flow due to man-made activities, and 2) how the CWA agricultural exemption relates to Integrated List determinations. For example, there are portions of many small streams in New Mexico that now go completely dry due to low flow modification.

III. Existing Guidance (Yes/No)

No

If yes, provide the following information:

- i) Guidance referenced (e.g., 2006, 2008, 2010)
- ii) What the existing guidance states

IV. Proposed Recommendation

Include guidance on 1) tools/techniques/strategies to determine post CWA reductions in flow due to man-made activities, and 2) how the CWA agricultural exemption relates to Integrated List determinations. Give state examples. Provide RStudio scripts and procedures to download continuous USGS gage data and use this data to determine flow trends. Also, provide additional information on EPA's distinction between "pollutant" and "pollution", and a clear list of the most important causes of "pollution" that EPA would like to see state monitor, assess, and report on.

V. Implications (e.g., program and/or environmental benefits of addressing issue)

Huge. The relationship between water quality and quantity is undeniable and needs to be tackled head on. IR Category 4C related to Low Flow Modification draws a lot of attention. These determinations and the potential ramifications of these listings needs to be better explained and understood by states, EPA, and stakeholders.

VI. Name, Organization, and contract information of Submitter

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PROPOSED TOPICS FOR DRAFT 2016 LISTING GUIDANCE (TOPIC 2 – Assessing stormwater data):

I. Issue

Need additional information on ways and appropriateness of assessing storm water data.

II. Issue Statement (if existing guidance, the issue statement should touch on why the existing guidance is not clear/sufficient).

Both stakeholders and staff often question whether or not there are circumstances when storm water data should not be included in a particular assessment dataset.

III. Existing Guidance (Yes/No)

No

If yes, provide the following information:

- i) Guidance referenced (e.g., 2006, 2008, 2010)
- ii) What the existing guidance states

IV. Proposed Recommendation

Include guidance on 1) which water quality criteria are appropriate to assess against storm water data (ex, acute) and which are not (ex, chronic) based on how EPA's recommended WQ criteria were developed (i.e., based on short-term exposure, long-term exposure, life time exposure, etc.), and 2) tools/techniques/strategies to determine what constitutes a "storm event" with respect to comparison against acute vs. chronic ALU criteria. Include a discussion on the relationship between a particular state's WQ standards and assessment (for example, if a state's WQ standards don't explicitly state that WQC were developed based on life time exposure but it is stated in the EPA WQ standards guidance, is this justification to not use storm water data for assessment?). In particular, clarify whether or not storm water data should be used to assess against human health criteria and why. Give state examples (see Chronic ALU section in NM's Assessment Protocols). Provide RStudio scripts and procedures to download continuous USGS gage data and use this data to determine data from a particular sampling date is applicable.

V. Implications (e.g., program and/or environmental benefits of addressing issue)

Huge. The relationship between water quality and quantity is undeniable and needs to be tackled head on. Listing determinations based on storm water/short-term hydrologic events draw a lot of attention/debate. The climate predictions are for an increase frequency of short-duration, intense rain events so this issue is rapidly coming to the forefront. Impairment determination using (or not using) storm water data and the potential ramifications of these listings needs to be better explained and understood by states, EPA, and stakeholders (example, PCB listing for human health WQ criteria based on storm water data).

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